

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00318-MR-WCM**

JOHNNIE R. SIMMONS, JR.,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
NICHOLAS MARLOW, in his)	
individual capacity,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court *sua sponte*.

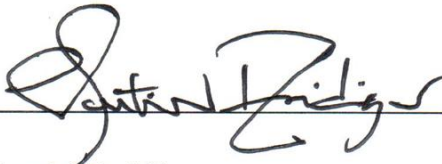
Having declared a mistrial of this action, the Court finds that the basis of the mistrial was misconduct on the part of the Plaintiff in the presence of the jury, and that such misconduct was in direct contravention and disobedience of the express directions of the Court. As such, the Court finds and concludes that the Plaintiff's actions warrant the taxing of the jury costs against the Plaintiff. Therefore, the Court hereby enters the following order regarding the payment of jury costs.

IT IS, THEREFORE, ORDERED that the Plaintiff shall pay to the Clerk of Court a total of \$4,082.19 for the jury costs incurred in the conduct of the trial of this action prior to the mistrial being declared. Such costs shall be

payable immediately and shall be reduced to a judgment if not paid before the conclusion of this case.

IT IS SO ORDERED.

Signed: January 24, 2024



Martin Reidinger
Chief United States District Judge

